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**BZA-1829  
CITATION HOMES, INC  
Variance**

**STAFF REPORT  
July 20, 2011**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Joseph Bumbleburg, is requesting a rear setback of 29.5' instead of the required 60' for a proposed single-family home in Wake Robin II Subdivision. The site is commonly known as 2509 Yeoman Lane, Wabash 11(SE) 23 - 5.

**AREA ZONING PATTERNS:**

The site and all surrounding land is zoned R1, single-family residential. There have been no recent rezones in this immediate area of Wabash Township.

**AREA LAND USE PATTERNS:**

The site is part of Phase 3 of Wake Robin II Subdivision which is the final phase of this subdivision of single-family homes. The new US 231 highway is currently under construction immediately east of this site. In fact, more than half of the original platted lot has been obtained by the State for use as right-of-way.

**TRAFFIC AND TRANSPORTATION:**

This lot has its access from Yeoman Lane, a public street classified as a rural local road. US 231, when complete, will be a 4-lane limited access highway that borders this lot to the east. The right-of-way obtained is wider than normal to adapt to changes in grade as well as to make room for a paved bicycle path (which will be in a separate right-of-way from the limited access right-of-way but still within the purchase area).

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Indiana American Water and American Suburban utilities serve the site.

**STAFF COMMENTS:**

Petitioner is planning on constructing a single-family home on one of the last vacant lots in Wake Robin II Subdivision. The lot was originally over 20,000 square feet in size but a purchase by the State of Indiana of the rear 2/3 of this site left an area of about 7,500 square feet. This purchase of land was for the relocated US 231 highway project. Because this road is classified as a divided primary arterial a 60' building setback from the new rear lot line is required thus reducing the buildable area.

The site plan shows a relatively small footprint for the proposed home of 28' x 42'. Petitioner has done themselves a favor by selecting a two story home which has a

smaller footprint on a lot that is severely restricted by the right-of-way purchase. With the proposed front setback of 26' (25' is the minimum) and side setbacks of 16.5', the home's closest point to the rear property line is 29.5'. However, there is a second step that would further reduce the variance even more. By placing the home at the front setback and further south at the 6' side setback line, the request could be reduced by placing the home at its farthest point from the rear lot line.

Regarding the ballot items:

1. The Area Plan Commission at its meeting on July 20, 2011 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The proposed house, even with a 29.5' rear setback, will still be over 60' from the travel lanes due to the larger than usual right-of-way width.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. Other than a small backyard, this home will still mirror others on Yeoman Lane.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. The purchase of 2/3 of a lot for right-of-way purposes is not a common occurrence.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. With a 60' setback from the rear lot line, this legally platted lot is unbuildable.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain, but rather the hardship is caused by the purchase of land by the State for the US 231 highway project.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. Minimum relief would be for the home to be built at the 25' front setback and the south 6' side setback to maximize the distance to the rear lot line.

#### **STAFF RECOMMENDATION:**

Denial